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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,986	06/08/2007	Harald Michi	10191/4243	8288

26646 7590 09/14/2010

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EXAMINER	
AMIN, BHAVESH V	
ART UNIT	PAPER NUMBER
3664	
MAIL DATE	DELIVERY MODE
09/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,986	MICHI ET AL.	
	Examiner	Art Unit	
	BHAVESH V. AMIN	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7 - 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7 - 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 7 – 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Hellmann et al. US Patent 6,941,215 B2 (hereafter referenced as Hellmann).

Regarding claim 1 where it is disclosed by Hellman to have a system which does ask the driver to take over control of the vehicle when the distance between the vehicles is below a threshold which does change as indicated below:

"An adaptive cruise control system for a host motor vehicle, comprising: a sensor system for acquiring data regarding a target object and data regarding the host vehicle [Fig 1 and column 3 lines 35 – 67]; an actuator system for controlling the longitudinal movement of the host vehicle [column 4 lines 50-60]; a controller for intervening in the operation of the actuator system within at least one predetermined intervention range in order to maintain a predetermined controlled target distance to the target object [column 3 lines 55 – 67 & column 7 lines 1 – 16]; and an output device for issuing a take-over request to a driver of the host vehicle if the predetermined controlled target distance

cannot be maintained [column 4 lines 60 – 67 and fig 3]; a prediction system for predicting a conflict situation in which the predetermined controlled target distance cannot be maintained, wherein the prediction system initiates the take-over request to be issued by the output device before the conflict situation occurs [fig 3 and column 5 lines 8 – 40]."

Regarding claim 8 where it is disclosed by Hellmann in column 5 & 6 and shown in Figure 3 to have; "The adaptive cruise control system as recited in claim 7, wherein the prediction system includes models of vehicular dynamics of the target object and the host vehicle, in order to calculate predicted values for variables of vehicular dynamics of the host vehicle and the target object at a future prediction time point."

Regarding claim 9 where it is described in columns 5 & 6 and shown in figure 3 to have a system which can: "The adaptive cruise control system as recited in claim 8, wherein the prediction system calculates from the predicted values an anticipated setpoint distance and an anticipated actual distance between the target object and the host vehicle at the future prediction time point, and wherein the prediction system initiates the take-over request to be issued by the output device if the relationship between the anticipated setpoint distance and the anticipated actual distance satisfies a predefined initiation criterion."

Regarding claim 10 where Hellman discloses the limitation of, "the initiation criterion is a threshold value for the quotient of the anticipated actual distance and the anticipated setpoint distance." This is disclosed by Hellman in column 2 lines 10 – 30 under the summary of the invention.

Regarding claim 11 where it is disclose by Hellman to have, "the prediction system further includes an adaptation module configured to dynamically vary the future prediction time point, dependent on data provided by the sensor system." This is disclosed by Hellman in column 4 lines 30 – 35.

Regarding claim 12 where it is disclosed by Hellman to have, "the prediction system further includes an adaptation module configured to dynamically vary the future prediction time point, dependent on data provided by the sensor system." This is disclosed by Hellman in column 4 lines 30 – 35.

Regarding claim 13 where it is disclosed by Hellman in column 4 lines 30 – 35 to have, "the prediction system further includes an adaptation module configured to at least dynamically vary the future prediction time point, dependent on data provided by the sensor system."

Regarding claim 14 where in column 4 lines 1 – 50, Hellman discloses the limitation of, "the prediction system further includes an adaptation module configured to dynamically vary the initiation criterion for the take-over request, dependent on data provided by the sensor system."

Regarding claim 15 where it is disclosed by Hellman to have, "the prediction system further includes an adaptation module configured to dynamically vary the initiation criterion for the take-over request, dependent on data provided by the sensor system." This is disclosed by Hellman in column 4 lines 1 – 50.

Regarding claim 16 where in column 4 lines 1 - 50 it is disclosed by Hellman to have, "the prediction system further includes an adaptation module configured to

dynamically vary the initiation criterion for the take-over request, dependent on data provided by the sensor system." This is disclosed in Hellman in column 4 lines 1 – 50.

Regarding claim 17 where in column 4 lines 1 – 50 it is disclosed by Hellman to have a system which has a, "adaptation module is further configured to dynamically vary the initiation criterion for the take-over request, dependent on data provided by the sensor system."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHAVESH V. AMIN whose telephone number is (571)270-3255. The examiner can normally be reached on M - T, Friday off, 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. V. A./
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664